srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2292 OF 2007.

Vinayak Balwant Thokale. ..Petitioner.

V E R S U S

The State of Maharashtra & others. ..Respondents.

Mr. Abhay D. Thorat for the petitioner.
Mr. Dilip Bodake for the respondent nos. 2 to 5.
Mr. R. D. Rane A.G.P. for the State.

CORAM: S.B.MHASE & D.G.KARNIK,JJ.
DATE : OCTOBER 8, 2007.

P.C.

1. Heard learned counsel for the appearing parties.

2. By this petition the petitioner prays for issuance of writ or direction to the respondent no.2 Grampanchayat to provide water connection to the petitioner at Survey No. 47. The property in question does not belong to the petitioner. He made encroachment thereon by constructing a cattle-shed thereon. Thereafter he made an application to the Government for regularisation of the encroachment. By an order dated 24th June 2004 the encroachment of the petitioner has been regularised by the Sub Divisional Officer. Respondent no.2 has filed a Revision Application bearing R.A. No. 106 of 2006, before the Collector against the said regularisation and the same is pending. Pending the decision on the revision application the petitioner

applied for water connection, the same was not granted, has filed the present petition.

3. The petitioner claims that he is residing in Survey No. 47 and therefore he is entitled to the water connection and he is willing to pay the charges therefor. Learned counsel for the respondent no.2 submits that the water connection can be given only to the residential properties and the petitioner is not residing in the said premises, but using it as a cattle shed. The order of regularisation shows that the petitioner made encroachment on the property by constructing a cattle shed. There is no material on record to show that the petitioner is also residing in the said premises. On our demand the learned counsel for the petitioner produced for our inspection the identity card issued by the Election Commission to the petitioner. The residential address of the petitioner therein is House no. 400C, that is not the premises in question. In the circumstances there is nothing on record to show that the petitioner is residing in the premises in question. As the petitioner is not residing in the premises in question and water connection can be given only for the residential premises, the petitioner is not entitled to the water connection.

4. The writ petition is rejected summarily.

(D.G.KARNIK, J.) (S.B.MHASE, J.)